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EXAMINER

CUEVAS, PEDRO J

ART UNIT

PAPER NUMBER

2834

DATE MAILED: 03/01/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/750,414

**Applicant(s)**

COOK ET AL.

**Examiner**

Pedro J. Cuevas

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) 1-5 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 6-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 December 2000 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All   b) ☐ Some \*   c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 7.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

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**DETAILED ACTION**

***Election/Restrictions***

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
  - I. Claims 1-5, drawn to a method for assembling a motor, classified in class 29, subclass 596.
  - II. Claims 6-18, drawn to a motor and a washer assembly for a motor, classified in class 310, subclass 158.

The inventions are distinct, each from the other because of the following reasons:

2. Inventions I and II are related as process of making and product made. The inventions are distinct if either or both of the following can be shown: (1) that the process as claimed can be used to make other and materially different product or (2) that the product as claimed can be made by another and materially different process (MPEP § 806.05(f)). In the instant case the washer assembly can be assembled onto an already supported rotor shaft.
3. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.
4. Because these inventions are distinct for the reasons given above and the search required for Group I is not required for Group II, restriction for examination purposes as indicated is proper.
5. During a telephone conversation with Robert Reeser on February 22, 2002 a provisional election was made to prosecute with traverse the invention of Group II, claims 6-18. Affirmation of this election must be made by applicant in replying to this Office action. Claims 1-5 are

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withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

6. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

#### ***Drawings***

7. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "26" has been used to designate both the stator core and the stator winding. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

8. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: 20 and 190. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

#### ***Specification***

9. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

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The following title is suggested: Three Layer Vibration Damping Washer For Electric Motor.

***Claim Rejections - 35 USC § 112***

10. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

11. Claims 11 and 18 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

12. Claims 11 and 18 recite the limitation "the group". There is insufficient antecedent basis for this limitation in the claim.

***Claim Rejections - 35 USC § 103***

13. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

14. Claims 6 and 8-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S.

Patent No. 5,113,104 to Blaettner et al. in view of JP Patent No. 62-018939 to Yuji.

Blaettner et al. discloses motor comprising:

a motor housing (22) comprising an end cap and a can, said end cap connected to said can and comprising an opening, said can comprising an opening;

a stator assembly (24) positioned within said motor housing and comprising a stator core and a stator bore extending therethrough, said stator core comprising a

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plurality of stator windings (magnets in this particular case, since in the patent the motor is used as a generator);

a rotor assembly (26) positioned within said stator bore, said rotor assembly comprising a rotor core, a rotor bore disposed through said rotor core, and a rotor shaft extending through said rotor bore, said end cap opening, and said can opening; and

a bearing (88) positioned on said rotor shaft adjacent said end cap.

However, it fails to disclose a washer comprising a first layer, a second layer and a third layer, said second layer different from said first and third layers, said washer positioned on said rotor shaft adjacent said bearing and configured to dampen vibrations induced from said rotor shaft.

Yuji teaches the construction of a washer (9) comprising a first layer (9a), a second layer (9b) and a third layer (9c), said second layer different from said first and third layers for the purpose of dampening vibrations induced from a rotor shaft.

It would have been obvious to one skilled in the art at the time the invention was made to use the washer disclosed by Yuji on the motor disclosed by Blaettner et al. for the purpose of dampening vibrations induced from a rotor shaft.

15. With regards to claim 9, Yuji discloses a washer wherein said first, second, and third layers are bonded together as shown in Figure 3.

16. Claims 7 and 14-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,113,104 to Blaettner et al. in view of JP Patent No. 62-018939 to Yuji as applied to claims 6 and 8-13 above, and further in view of U.S. Patent No. 4,340,830 to Hoyer-Ellefsen.

Blaettner et al. in view of Yuji discloses a motor as described above.

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However, it fails to disclose a motor further comprising a snap ring affixed to said shaft, said washer adjacent said snap ring.

Hoyer-Ellefsen teaches the use of a snap ring (76) affixed to a shaft for the purpose of exerting a controlled pressure on the bearing members (58, 60) by the resilient washer (72) that permits free rotation of rotor (48) and shaft (50).

It would have been obvious to one skilled in the art at the time the invention was made to use the snap ring disclosed by Hoyer-Ellefsen on the motor disclosed by Blaettner et al. in view of Yuji for the purpose of exerting a controlled pressure on the bearing members (58, 60) by the resilient washer (72) that permits free rotation of rotor (48) and shaft (50).

17. With regards to claim 16, Blaettner et al. in view of Yuji discloses a washer assembly wherein said damping washer second layer is located between said damping washer first and third layers, said washer assembly positioned on the rotor shaft adjacent the bearing as shown in Figure 1.

18. With regards to claims 8, 10-13, 15, 17 and 18, Yuji discloses a washer assembly as claimed except for the combination of materials to construct the washer as claimed. It would have been obvious to one having ordinary skill in the art at the time the invention was made to select the materials in the claims to construct the washer since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice. *In re Leshin*, 125 USPQ 416.

### ***Conclusion***

19. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See PTO-892.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Pedro J. Cuevas whose telephone number is (703) 308-4904. The examiner can normally be reached on M-F from 8:30 - 6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Néstor R. Ramírez can be reached on (703) 308-1371. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-1341 for regular communications and (703) 305-3432 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

Pedro J. Cuevas  
February 23, 2002

  
NESTOR RAMIREZ  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2800